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Attorneys for Complainant

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SUSANA ALICIA SPEIER, M.D.  
21622 Marguerite Pkwy., # 313  
Mission Viejo, CA 92692

and

16 Via Terrano  
Rancho Margarita, CA 92688

Physician's and Surgeon's Certificate  
No. A 53714,

Respondent.

Case No. 04-2003-151625

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about February 25, 2005, Complainant David T. Thornton, in his official capacity as the Executive Director of the Medical Board of California, filed Accusation No. 04-2003-151625 against SUSANA ALICIA SPEIER, M.D. (Respondent) before the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California (Division).

2. On or about November 16, 1994, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 53714 to Respondent. The Physician's and

1 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
2 herein. The Physician's and Surgeon's Certificate expired on July 31, 2004, and has not been  
3 renewed. On February 11, 2005, the certificate was suspended based on an Ex Parte Interim  
4 Suspension Order prohibiting Respondent from the practice of medicine.

5           3.       On or about February 25, 2005, Brenda Allen, an employee of the Board,  
6 served by certified mail a copy of the Accusation No. 04-2003-151625, Statement to Respondent,  
7 form Notice of Defense, copy of Government Code Sections 11507.5, 11507.6, 11507.7 and  
8 11455.10 on Respondent at her addresses of record on file with the Division which were and are  
9 21622 Marguerite Parkway, # 313, Mission Viejo, California 92692 and 16 Via Terrano, Rancho  
10 Margarita, California 92688. A copy of the Accusation, the above-referenced related documents,  
11 and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference as  
12 if fully set forth herein.

13           4.       Service of the Accusation was effective as a matter of law under the  
14 provisions of Government Code section 11505, subdivision (c).

15           5.       On or about March 18, 2005, the Board received from the U.S. Postal  
16 Service a green receipt card indicating the Accusation and the above-referenced related  
17 documents were received by Respondent on or about March 15, 2005. A copy of the green  
18 receipt card from the U.S. Postal Service is attached hereto as Exhibit B, and is incorporated  
19 herein by reference.

20           6.       Government Code section 11506 states, in pertinent part:

21           "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
23 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
24 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

25           7.       Respondent failed to file a Notice of Defense within 15 days after service  
26 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
27 Accusation No. 04-2003-151625.

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8. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

9. Pursuant to its authority under Government Code section 11520, the Division finds Respondent is in default. Accordingly, the Division will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, including Exhibits A and B hereto, hereby finds that the allegations in Accusation No. 04-2003-151625 are true and correct.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent SUSANA ALICIA SPEIER, M.D., has subjected her Physician's and Surgeon's Certificate No. A 53714 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Division is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Accusation:

a. Business and Professions Code section 2239: Use of controlled substances or dangerous drugs to the extent dangerous to the licensee, to others and the public.

b. Business and Professions Code section 822: Physical illness affecting competence due to addiction to narcotics and sedatives.

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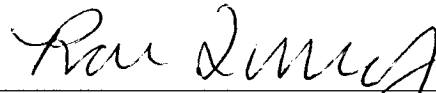
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1 ORDER

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A  
3 53714, heretofore issued to Respondent SUSANA ALICIA SPEIER, M.D., is revoked. Pursuant  
4 to Government Code section 11520, subdivision (c), Respondent may serve a written motion  
5 requesting that the Decision be vacated and stating the grounds relied on within seven (7) days  
6 after service of the Decision on Respondent. The agency in its discretion may vacate the  
7 Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on August 22, 2005.

9 It is so ORDERED July 22, 2005

10 

11 FOR THE DIVISION OF MEDICAL QUALITY  
12 MEDICAL BOARD OF CALIFORNIA  
13 DEPARTMENT OF CONSUMER AFFAIRS  
14 STATE OF CALIFORNIA

Ronald L. Moy, M.D., Panel B Chair

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DOJ docket number:SD2005700001

16 Attachments:

17 Exhibit A: Accusation No.04-2003-151625, Related Documents, and Declaration of Service  
18 Exhibit B: Postal Return Documents

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BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 04-2003-151625

SUSANA ALICIA SPEIER, M.D.  
16 Via Terrano  
Rancho Santa Margarita, CA 92688

OAH No.

ACCUSATION

Physician and Surgeon's  
Certificate No. A 53714

Respondent.

Complainant alleges:

PARTIES

1. David T. Thornton (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about November 16, 1994, the Medical Board of California issued Physician and Surgeon's Certificate No. A 53714 to SUSANA ALICIA SPEIER, M.D. (Respondent). Said certificate expired on July 31, 2004, and has not been renewed. On February 11, 2005, the certificate was suspended based on an Ex Parte Interim Suspension Order issued prohibiting Respondent from practicing medicine.

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1 that a licensee's license has been placed on probation as a result of a disciplinary action,  
2 the department may not reimburse any Medi-Cal claim for the type of surgical service or  
3 invasive procedure that gave rise to the probation, including any dental surgery or  
4 invasive procedure, that was performed by the licensee on or after the effective date of  
5 probation and until the termination of all probationary terms and conditions or until the  
6 probationary period has ended, whichever occurs first. This section shall apply except in  
7 any case in which the relevant licensing board determines that compelling circumstances  
8 warrant the continued reimbursement during the probationary period of any Medi-Cal  
9 claim, including any claim for dental services, as so described. In such a case, the  
10 department shall continue to reimburse the licensee for all procedures, except for those  
11 invasive or surgical procedures for which the licensee was placed on probation.”

12 8. Section 820 of the Code states:

13 “Whenever it appears that any person holding a license, certificate or permit under  
14 this division or under any initiative act referred to in this division may be unable to  
15 practice his or her profession safely because the licensee's ability to practice is impaired  
16 due to mental illness, or physical illness affecting competency, the licensing agency may  
17 order the licensee to be examined by one or more physicians and surgeons or  
18 psychologists designated by the agency. The report of the examiners shall be made  
19 available to the licensee and may be received as direct evidence in proceedings  
20 conducted pursuant to Section 822.”

21 **FIRST CAUSE FOR DISCIPLINE**

22 (Unlawful Use or Prescribing)

23 9. Respondent is subject to disciplinary action under Code section 2239, in  
24 that she administered dangerous drugs/and or alcohol to herself. The circumstances are as  
25 follows:

26 A. On or about April 11, 2000, Respondent voluntarily entered  
27 the Physician Diversion Program (“Diversion Program) on referral from the  
28 inpatient drug treatment unit at South Coast Medical Center. In her application to

1 the Diversion Program, she indicated she had been using Darvon and Ambien for  
2 at least four years. She further reported that in March 2000, she was hospitalized  
3 for treatment of substance abuse at South Coast Medical Center.

4 B. Respondent also wrote on her Diversion Program  
5 application her drug use puts others at jeopardy because she becomes unable to  
6 function at full potential.

7 C. On or about July 18, 2000, Respondent relapsed by using  
8 Ambien and failed to attend three Diversion meetings.

9 D. On or about January 22, 2001, Respondent tested positive  
10 for Phentermine.

11 E. In December 2001, Respondent relapsed on four occasions  
12 by using the narcotic Darvocet which she took from her sister's medicine cabinet.

13 F. On or about August 13, 2002, Respondent failed to report  
14 for a urine sample.

15 G. On or about August 30, 2002, Respondent failed to report  
16 for a urine sample.

17 H. On or about July 2, 2003, Respondent tested positive for  
18 Hydrocodone.

19 I. On or about September 24, 2003, Respondent was  
20 terminated from the Diversion Program.

21 J. On or about February 17, 2004, Respondent signed a  
22 Medical Board of California Statement of Understanding requesting consideration  
23 for entry into the Diversion Program.

24 K. On or about March 1, 2004, Respondent contacted the  
25 Diversion Program to do a telephonic intake. Before the telephonic intake could  
26 be completed, Respondent informed the Diversion Program she would have to call  
27 back because she did not have time to complete the telephonic intake.

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1 L. On or about March 17, 2004, Respondent was approved to  
2 participate in the Board's Diversion Program.

3 M. On or about April 21, 2004 and May 13, 2004, a letter was  
4 sent to Respondent requesting she contact the Diversion Program immediately to  
5 complete her intake process. The certified letters were returned marked  
6 "Unclaimed".

7 N. On or about September 2, 2004, Respondent had not  
8 contacted the Diversion Program to complete her telephonic intake process.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Inability to Practice Medicine Due to Mental/Physical Illness)

11 10. Respondent is further subject to disciplinary action under Code section  
12 820. The circumstances are as follows:

13 A. Paragraph 9 in its entirety is incorporated by reference herein.

14 B. On or about December 8, 2004, Dr. Mark Kalish, a Board  
15 certified psychiatrist reviewed various documents concerning respondent's  
16 situation. He concluded that Respondent is unable to abstain from the use of  
17 narcotics and sedatives even while enrolled in a significant treatment program.  
18 Respondent has continued to use narcotics and sedatives over a three-year period  
19 while participating in the Physician Diversion Program. Dr. Kalish opines that  
20 Respondent, at this point in time, is incapable of abstaining from narcotics or  
21 sedatives.

22 C. Due to respondent's ongoing addiction and her inability to  
23 abstain from dangerous drugs, Dr. Kalish believes Respondent represents a danger  
24 to the public if she is allowed to continue practicing medicine. Her inability to  
25 abstain from drug use will impair her ability to think and concentrate, placing her  
26 patients in danger.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

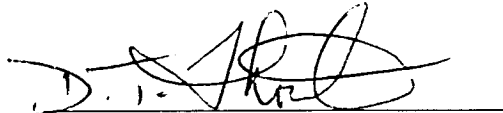
4 1. Revoking or suspending Physician and Surgeon's License No. A53714,  
5 issued to SUSANA ALICIA SPEIER, M.D..

6 2. Revoking, suspending or denying approval of Susana Alicia Speier, M.D.'s  
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering Susana Alicia Speier, M.D. to pay the Division of Medical  
9 Quality the reasonable costs of the investigation and enforcement of this case, and, if placed on  
10 probation, the costs of probation monitoring;

11 4. Taking such other and further action as deemed necessary and proper.

12 DATED: February 25, 2005

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15 DAVID T. THORNTON  
16 Executive Director  
17 Medical Board of California  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

21 SD2005700001

22 SPEIER. ACC  
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